

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

John F. Zaher,

Case No.: 22-70422-ast

Debtor(s).

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**AFFIRMATION IN OPPOSITION**

Richard F. Artura, Esq., an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following under the penalty of perjury:

1. I am a member of the firm of Phillips, Artura & Cox Esqs., attorneys for debtor, and as such I am fully familiar with the facts and circumstances surrounding the within matter.

2. This affirmation is in opposition to the motion to lift stay of Craig Perri returnable

April 28, 2022 at 10:30 a.m.

3. The affidavit of service of the motion is attached hereto.

4. The motion and exhibits were not served upon the debtor.

5. Bankr 7004(b)(9) mandates service by mail on the debtor and Bankr 7004(g) requires that service also be made on debtor's attorney. Motions are included in this rule pursuant to Bankr 9014(b).

6. "The Rule requires that both the debtor and the attorney be served. If either one is not served, then service is insufficient, see In re Bloomingdale 137 BR 351, 354 (Bankr.C.D.Cal 1991); In re Graham, 6 BR 219, 220 (Bankr.N.D.Ga 1980) (analyzing Rule 7004(b)(9)'s predecessor, Rule 704(c)(9)), and any judgment resulting from the complaint is void. Peralta v. Heights Med. Ctr., Inc., 485 US 80, 84-86, 108 S Ct. 896, 99 L.Ed.2d 75 (1988)"

In re Vincze 230 F.3d 297 at 299 (7<sup>th</sup> Cir.2000). In the instant action the debtor was not served.

WHEREFORE, creditor's motion to lift stay must be denied and for such other and further relief as this Court deems just and proper.

Dated: April 21, 2022  
Lindenhurst, New York

S/Richard F. Artura, Esq.

Richard F. Artura, Esq.  
Phillips, Artura & Cox  
165 South Wellwood Avenue  
Lindenhurst, NY 11757  
(631) 226-2100

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

JOHN F. ZAHER

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**CERTIFICATE OF SERVICE**

VICTORIA M. PRANZO, being duly sworn says: I am not a party to the action, am over 18 years of age and reside at East Rockaway, New York.

That on the 1st day of April, 2022, I served a true copy of the **NOTICE OF HEARING** on Craig Perri's *Motion for an Order Pursuant to Bankruptcy Rule 4001(a)3) and 11 U.S.C. § 362, Granting Relief from the Automatic Stay* by mailing the same in a sealed envelope, with postage prepaid hereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressees indicated below:

**SEE ATTACHED ADDRESS SERVICE LIST**

That on the 1st day of April, 2022, I served a true copy of the **NOTICE OF HEARING**, Craig Perri's **MOTION FOR AN ORDER PURSUANT TO BANKRUPTCY RULE 4001(A)3) AND 11 U.S.C. § 362, GRANTING RELIEF FROM THE AUTOMATIC STAY, and all exhibits annexed thereto** by mailing the same in a sealed envelope, with postage prepaid hereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressees indicated below:

**Andrew M. Thaler, Trustee**  
Thaler Law Firm PLLC  
675 Old Country Road  
Westbury, NY 11590

**Richard F. Artura**  
Phillips, Artura & Cox  
165 South Wellwood Avenue  
Lindenhurst, NY 11757

  
VICTORIA M. PRANZO

Sworn to before me this  
1<sup>st</sup> day of April, 2022.

  
Notary Public

MARIBEL SONERA  
Notary Public, State of New York  
No. 01SO6256815  
Qualified in Nassau County  
Commission Expires March 5, 2024

**SERVICE LIST**

Chase Card Services  
Attn: Bankruptcy  
P.O. 15298  
Wilmington, DE 19850

Convergent Outsourcing  
800 SW 39th Street  
Suite #100  
Renton, WA 98057

Convergent Outsourcing In  
PO Box 9004  
Renton, WA 98507-9004

Kohls  
PO Box 3043  
Milwaukee, WI 53201-3043

Macy's  
PO Box 9001094  
Louisville, KY 40290-1094

National Grid  
PO Box 11791  
Newark, NJ 07101

Optimum  
1111 Stewart Avenue  
Bethpage, NY 11714-3581

PSEG Long Island  
15 Park Drive  
Melville, NY 11747

Sheriff's Office, County of Suffolk  
Civil Enforcement  
360 Yaphank Ave, Ste 1A  
Yaphank, NY 11980

Suffolk County  
Sewer Districts  
335 Yaphank Ave  
Yaphank, NY 11980-9608

Suffolk County  
Water Authority  
2045 Route 112, Suite 5  
Coram, NY 11727

Suffolk Federal Credit Union  
3681 Horseblock Road  
PO Box 9005  
Medford, NY 11763

Syncb/pc Richard  
Po Box 965036  
Orlando, FL 32896

Synchrony Bank  
170 West Election Road  
Suite 125  
Draper, UT 84020

Verizon  
PO Box 15124  
Albany, NY 12212-5124

Verizon Wireless  
Attn: Bankruptcy  
500 Technology Dr,  
Ste 599  
Weldon Springs, MO 63304

Vivint Solar Developer, LLC  
4931 N 300 W  
Provo, UT 84604

Vivint Solar  
PO Box 4589  
Portland, OR 97208-4589

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***AFFIRMATION IN OPPOSITION***

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**PHILLIPS, ARTURA & COX  
Attorneys for Debtor  
165 South Wellwood Avenue  
Lindenhurst, NY 11757**

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Service of a copy of the within is hereby admitted.

Dated: \_\_\_\_\_

Attorney(s) for

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**SIR: PLEASE TAKE NOTICE**

**[ ] NOTICE OF ENTRY:** that the within is a (certified) true copy of a \_\_\_\_\_ duly entered in the office of the clerk of the within named court on \_\_\_\_\_

**[ ] NOTICE OF SETTLEMENT:** that an order \_\_\_\_\_ of which the within is a true copy will be presented for settlement to the HON. \_\_\_\_\_ one of the judges of the within court, at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_

*Certified pursuant to 22 NYCRR Part 130-1.1-a*

Dated:

**Yours, etc.,**

**TO:**

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**BY: Richard F. Artura, Esq.  
Phillips, Artura & Cox  
165 South Wellwood Avenue  
Lindenhurst, NY 11757  
(631) 226-2100**

**Attorney(s) for:**